

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-21 in the application. In the present response, the Applicants have amended Claims 1, 3, 7, 11, 18 and 21. Support for the amendment is in paragraphs 20-21 of the original specification. The Applicants have not canceled or added any claims. Accordingly, Claims 1-21 are currently pending in the application.

I. Rejection of Claims 1-21 under Double Patenting

The Examiner has rejected Claims 1-21 under the judicially created doctrine of double patenting in view of U.S. Patent Application No. 10/669,848 by Norman Goris, *et al.*, and Claims 1-21 over Goris in view of U.S. Patent No. 6,512,919 to Ogasawara. The Applicants respectfully disagree since the pending claims of the present application are patentably distinct over the claims of Goris and Goris in view of Ogasawara.

Amended independent Claims 1, 11 and 21 of the present invention include supplying information about an article to a mobile telephone based on interpreting an image to identify the article, wherein the information is from multiple distributors of the article. The pending claims of Goris provide no teaching or suggestion of supplying information from multiple distributors of an article to a mobile telephone. On the contrary, independent Claims 1, 11 and 21 of Goris recite supplying information to a mobile telephone from a database with no mention of even a single distributor of the article. Dependent Claims of Goris also provide no teaching or suggestion of supplying information from multiple distributors of the article. As such, Claims 1-21 of Goris do not teach or suggest independent Claims 1, 11 and 21 of the present invention and Claims dependent thereon.

Ogasawara also provides no teaching or suggestion of supplying information from multiple distributors of an article to a mobile telephone as recited in amended independent Claims 1, 11 and 21 of the present invention. Ogasawara is directed to an electronic shopping system using a wireless videophone. (*See* column 1, lines 16-21, and column 3, lines 4-6.) Ogasawara discloses an electronic shopping system that downloads a personal shopping system application to a customer's videophone once the customer visits a store. More particularly, the store maintains a server that provides a purchase transaction program to the videophone that allows the customer to obtain purchase information of products via product images obtained by a camera of the videophone. (*See* column 3, lines 6-31.)

The purchase information in Ogasawara, however, is not from multiple distributors of the product. On the contrary, Ogasawara teaches the purchase information is for facilitating the purchase of the product from a single store in where the customer is located with the videophone. (*See* column 3, lines 26-31.) Ogasawara, therefore, is directed to providing information to a mobile telephone from a single distributor of the product. Thus, Ogasawara does not teach or suggest supplying information from multiple distributors of an article to a mobile telephone as recited in amended independent Claims 1, 11 and 21 of the present invention.

Ogasawara and Claims 1-21 of Goris, therefore, individually or in combination, do not teach or suggest each element of amended independent Claims 1, 11 and 21 of the present invention. Thus, Claims 1-21 of Goris or Claims 1-21 of Goris and Ogasawara do not render Claims 1-21 of the present invention obvious. The Applicants, therefore, respectfully request the Examiner to withdraw the double patenting rejection and allow issuance of Claims 1-21.

II. Rejection of Claims 1-2, 4-8, 11-12, 14-18 and 21 under 35 U.S.C. §102

The Examiner has rejected Claims 1-2, 4-8, 11-12, 14-18 and 21 under 35 U.S.C. §102(a) as being anticipated by Ogasawara. The Applicants respectfully disagree since Ogasawara, as discussed above, does not teach supplying information from multiple distributors of an article to a mobile telephone as recited in amended independent Claims 1, 11 and 21 of the present invention. Instead, Ogasawara teaches supplying purchase information about a product to a videophone from a single store. (*See* column 3, lines 4-42.) Accordingly, Ogasawara does not anticipate amended independent Claims 1, 11 and 21 and Claims dependent thereon. The Applicants, therefore, respectfully request the Examiner to withdraw the §102(e) rejection with respect to Claims 1-2, 4-8, 11-12, 14-18 and 21 and allow issuance thereof.

III. Rejection of Claims 3, 9-10, 13 and 19-20 under 35 U.S.C. §103

The Examiner has rejected dependent Claims 3, 9-10, 13 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Ogasawara in view of the following: U.S. Patent Publication No. 2002/0102966 by Lev, *et al.*, for Claims 3 and 13; U.S. Patent Publication No. 2005/0017453 by Rehbein *et al.* for Claims 9 and 19; and U.S. Patent Publication 2005/0040230 by Swartz, *et al.*, in further view of Lev for Claims 10 and 20. The Applicants respectfully disagree.

As discussed above, Ogasawara does not teach or suggest each element of amended independent Claims 1 and 11. Neither Lev, Swartz nor Rehbein have been cited to cure this deficiency of Ogasawara but to teach the subject matter of the above cited dependent Claims. (*See* Examiner's Action, pages 16-23.) Thus, the cited combination of Ogasawara with either Lev, Swartz, Rehbein or a combination thereof, does not provide a *prima facie* case of obviousness of

independent Claims 1 and 11 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejections with respect to Claims 3, 9-10, 13 and 19-20 and allow issuance thereof.


IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss
Registration No. 48,981

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P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800